UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,370	02/10/2004	Alazel Acheson	MSFT-3026 / 307009.01	3201

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EXAMINER
PANNALA, SATHYANARAYA R

ART UNIT	PAPER NUMBER
2164	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/776,370	ACHESON ET AL.
	Examiner	**Art Unit**	
	Sathyanarayan Pannala	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 August 2009*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *6-10,16-20 and 26-48* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *6-10,16-20 and 26-48* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
       1.☐ Certified copies of the priority documents have been received.
       2.☐ Certified copies of the priority documents have been received in Application No. _____.
       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *8/31/2009*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after allowance, 25 USPQ 74, 453

O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued

examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been

timely paid, prosecution in this application has been reopened pursuant to 37 CFR

1.114. Applicant's submission filed on 8/31/2009 has been entered.

Response to Amendment

2.   Applicant filed an RCE on 8/31/2009 requesting consideration of IDS instead filed

on 8/31/2009 has been entered including amended claims 31-32, 37-38, and 43-44. In

this Office Action, claims 6-10, 16-20, 26-48 are pending.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
>
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
>
> the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35

U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly

owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates

of each claim that was not commonly owned at the time a later invention was made in order for the

examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior

art under 35 U.S.C. 103(a).

4.   Claims 6-10, 16-20 and 26-32, 34-38, 40-44, 45-48 are rejected under 35

U.S.C. 103(a) as being unpatentable over Srivastava (US Patent 6,735,598) hereinafter

Srivastava, and in view of Stawikowski (US Patent 7,159,007) hereinafter Stawikowski.

5.   As per independent claims 31, 37 and 43, Srivastava teaches the invention

attains its object by providing built-in classes in the relational database system and

permitting users to define subclasses of the built-in classes for dealing with different

kinds of data sources and differently-formatted data within the data sources (col. 3, line

66 to col. 4, line 3). Srivastava teaches the claimed, executing instructions from a

memory in the database server (Fig. 11, col. 3, lines 20-26, the source code is compiled

by a compiler in the database system to produce executable code and the compiler then

modifies the table so that it relates the class and subclass specified in the package's

name to the location of the code in the database system).

Srivastava does not explicitly teach .NET managed code. However, Stawikowski

teaches the claimed, invoking .NET managed code and an invocation context in the

database server, wherein the invocation context provides access to a client's

connection context (col. 1, lines 62-63 and col. 2, lines 6-12, an applications server

(J2EE, NET, etc.), a database management system (DBMS) server, the remote

equipment comprises at least one processing unit, is capable of connecting to at least

one item of automation equipment through an IP network and executing a program or a

set of computer programs). Srivastava teaches the claimed, writing said application

code as .NET managed code (Fig. 6, col. 10, lines 10-15, template 601 is written in the

PL/SQL programming language. It may, however, be written in any language which

the database system is able to compile). Thus, it would have been obvious to one of

ordinary skill in the data processing art at the time of the invention, to have combined

the teachings of the cited references because Stawikowski's teachings would have

allowed Srivastava's method to automation equipment may include a WEB server to

exchange data related to the automation equipment with a remote WEB client

(col. 1, lines 39-42).

Srivastava teaches the claimed, exposing the invocation context to the database

server through the utilization of an in process provider (Fig. 11, col. 11, lines 12-16, the

database system of the preferred embodiment dynamically links the code for a method

belonging to an ORDSource subclass at the time that code being executed by the

database system invokes the method). Srivastava teaches the claimed, executing the

code in the database server based on the invocation context, wherein the code is

executed under the client's connection context, storing information for the client's

connection context in said memory (Fig. 6, col. 3, lines 11-15, the executable code for

the method is stored in storage controlled by the database system and is located by

means of a table in the database system's schema which relates the object's class and

subclass to the location of the executable code).

6.   As per dependent claims 34, 40, 46, Srivastava teaches the claimed, instructions

for separating the .NET managed code into an immutable part and a mutable part and,

instructions for executing the .NET managed code based on the results of the operation

of separating (col. 4, lines 8-9 and lines 27-29, the built-in classes have settable

attributes which specify subclasses; the subclass of an object may thus be dynamically

changed. One of the built-in classes is a built-in ORDSource class whose data objects

specify the source of the data represented by fields of the class).

7.   As per dependent claims 36, 42, 48, Srivastava teaches the claimed, the in-

process provider supports more than one pending executing command for a client

connection (Fig. 11, col. 11, lines 3-11, the database system of the preferred

embodiment also has provisions for executing compiled code contained in files external

to the database system; thus, a package can also be implemented using any

programming language for which there is a compiler on the computer system upon

which the database system is executing).

8.   As per dependent claims 35, 41, 47, Srivastava teaches the claimed, invoking

code in the database server is a result of a client trigger (Fig. 11, col. 11, lines 12-38).

9.   As per dependent claims 32, 38, 44, Srivastava teaches the claimed, exposing

the invocation context comprises exposing at least one of : a client's connection context,

a command with a state execution context, a transaction context associated with a

command, a path through which requests and results may be sent or received between

a client and database server, a trigger context, where the trigger results from an

operation of the client, or a forward-only cursor on top of statement execution results

(Fig. 11, col. 11, lines 12-38).

10.   Claims 33, 39 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Srivastava (US Patent 6,735,598) hereinafter Srivastava, in view of Stawikowski

(US Patent 7,159,007) hereinafter Stawikowski, and in view of Woodring (US Patent

7,020,660) hereinafter Woodring.

11.   As per dependent claims 33, 39 and 45, Srivastava and Stawikowski do not

explicitly teach using ADO. However, Woodring teaches the claimed, the client

comprises a .NET application and the in-process provider is an ADO.net in-process

provider (Fig. 3, col. 3, lines 49-56). Thus, it would have been obvious to one of

ordinary skill in the data processing art at the time of the invention, to have combined

the teachings of the cited references because Harris' teachings would have allowed

Srivastava's method to eliminate the application software code customization based on

a low level DBMS application programming interface (API) and the specific DBMS being

accessed. (col. 1, lines 28-31).

Response to Arguments

12.   Applicant's arguments filed 8/31/2009 have been fully considered but they are

moot in view of new grounds of rejection.

Conclusion

13.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Sathyanarayan Pannala whose telephone number is

(571) 272-4115. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sathyanarayan Pannala/
Primary Examiner, Art Unit 2164

srp
October 12, 2009